

the movement of noncertified regulated articles designated in §318.13-3(b) of this subpart.

(2) Limited permits may be issued by an inspector for the movement of fruits and vegetables otherwise prohibited movement under this subpart, if the articles are to be moved in accordance with §318.13-17 of this subpart.

(3) Except when the regulations specify an inspector must issue the limited permit, limited permits may be issued by a person operating under a compliance agreement.

(d) *Compliance agreements.* As a condition of issuance of a limited permit under paragraph (c)(3) of this section, or a certificate under paragraph (b) of this section for the movement of regulated articles for which a compliance agreement is required, the person applying for the permit or certificate must sign a compliance agreement stipulating that he will use all such permits or certificates issued to him in accordance with the provisions thereof and of the compliance agreement; will maintain at his establishment such safeguards against the establishment and spread of infestation and infection and comply with such conditions as to the maintenance of identity, handling (including post treatment handling), and interstate movement of regulated articles under such permits or certificates and the cleaning and treatment of means of conveyance and containers used in such movement of the articles, as may be required by the inspector in each specific case to prevent the spread of infestation or infection; and will allow inspectors to inspect the establishment and operations thereof.

(Approved by the Office of Management and Budget under control number 0579-0088)

[33 FR 14622, Oct. 1, 1968, as amended at 36 FR 24917, Dec. 24, 1971; 52 FR 8864, Mar. 20, 1987; 55 FR 38979, Sept. 24, 1990; 57 FR 31307, July 15, 1992; 58 FR 7959, Feb. 11, 1993; 59 FR 48992, Sept. 26, 1994; 59 FR 66641, Dec. 28, 1994]

§318.13-4a Administrative instructions authorizing the movement from Hawaii of frozen fruits and vegetables.

(a) The type of treatment designated in this part as freezing shall be one of the commercially acceptable methods that involves initial freezing at subzero

temperatures and subsequent storage at not higher than 0° F., with a storage tolerance of plus 20° F. Such treatments are commonly known as quick freezing, sharp freezing, frozen-pack, or cold-pack. Any equivalent freezing method is also included in this designation.

(b) The Administrator of the Animal and Plant Health Inspection Service, pursuant to the authority contained in §§318.13-2(b) and 318.13-4(b), hereby approves the process of freezing as a treatment for all fruits and vegetables described in §318.13, except as otherwise provided in paragraph (d) of this section. Such frozen fruits and vegetables may be certified for movement from Hawaii into or through any other Territory, State, or District of the United States.¹

(c) The inspector in Hawaii shall determine that such fruits and vegetables are in a satisfactory frozen state before issuing a certificate. The inspector on the mainland will release the shipment on the basis of the certificate issued in Hawaii.

(d) The movement from Hawaii of frozen fruits and vegetables is not authorized when such fruits and vegetables are subject to attack, in the area of origin, by plant pests that may not, in the judgment of the Administrator of the Animal and Plant Health Inspection Service, be destroyed by freezing.

(e) Freezing of fruits and vegetables as authorized in this section is considered necessary for the elimination of pest risk, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruits or vegetables offered for movement in accordance with the instructions of this section.

[24 FR 10777, Dec. 29, 1959, as amended at 55 FR 38979, Sept. 24, 1990]

¹Applications for certificates to move frozen fruits and vegetables from Hawaii under this subpart may be made to Plant Protection and Quarantine Programs, P.O. Box 9067, Honolulu, Hawaii 96820.